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Message Text

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ACTION ARA-14

INFO OCT-01 ISO-00 SCS-06 CA-01 HA-05 L-03 SS-15 SP-02
/047 W
----------051943 312057Z /66
P 311711Z DEC 77
FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC PRIORITY 5423
INFO AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO

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E. O. 11652: N/A
TAGS: SHUM PGOV CASC BR
SUBJ: CONSULAR ACCESS TO DETAINED US CITIZENS

REF: (A) BRASILIA 10297; (B) BRASILIA 10377;
(C) BRASILIA 10451; (D) BRASILIA 10454

1. EMBASSY PROPOSES TO PURSUE FOLLOWING STRAGETY IN APPROACHING CONSULAR NOTIFICATION AND ACCESS ISSUE (REFTELS) WITH THE GOB.
2. CHARGE WILL CALL ON AMBASSADOR HOSANNAH, CHIEF, FOREIGN MINISTRY'S CONSULAR AND JURDICAL DIVISION, TO DELIVER NOTE (DRAFT TEXT IN SEPTEL) IN RESPONSE TO MINISTRY'S UNSATISFACTORY AIDE MEMOIRES (REFTELS). ORALLY, CHARGE WILL MAKE FOLLOWING POINTS, RESPONDING SPECIFICALLY TO POINTS MADE BY HOSANNAH IN HIS DECEMBER 13 CONVERSATION WITH VICE CONSUL THIELMANN (REF A):
A. CONTRARY TO ORAL HOSANNAH REPRESENTATIVE THAT THE USG WANTS TO MAKE A POLITICAL ISSUE OF ROUTINE CONSULAR MATTERS, THE EMBASSY IS TRYING TO RESOLVE WITH A MINIMUM OF FRICTION IN OUR RELATIONS A SERIOUS, LONG-STANDING CONSULAR PROBLEM THAT IS INCREASINGLY BECOMING AN IRRITANT AND HAS GENERATED A GREAT DEAL OF INTEREST IN THE US CONGRESS, ELSEWHERE IN THE GOVERNMENT AND WITH THE PUBLIC.
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B. THE EMBASSY RAISED THE ISSUE WITH THE DEPARTMENT OF THE AMERICAS AS WELL AS THE CONSULAR AND JURIDICAL DIPARTMENT BECAUSE WE BELIEVE THE DEPARTMENT OF THE AMERICAS SHOULD BE AWARE OF ALL IMPORTANT PROBLEMS
IN OUR RELATIONS. WE HAVE HOPED FROM THE BEGINNING TO RESOLVE THE PROBLEM AT THE LOWEST POSSIBLE ECHELON OF THE MINISTRY COMMENSURATE WITH THE SERIOUSNESS OF THE PROBLEM, BUT WE WILL

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NOT HESITIATE TO RAISE IT AT HIGHER LEVELS IF THAT IS WHAT IT
TAKES TO FOCUS SUFFICIENT ATTENTION ON THE ISSUE.
C. WHILE DIFFERING IN THEIR DETAILS, THE THREE ARREST CASES
OF BUTTS, CAPUANO/ROSEBAUGH AND MAXEY/ROSS/WILLIAMS WERE DISCUSSED
TOGETHER IN THE EMBASSY'S RECENT NOTE BECAUSE THEY EACH
INVOLVE THE RIGHT OF CONSULAR NOTIFICATION AND ACCESS. REGARDLESS
OF THE CRIMES ALLEGEDLY COMMITTED, THE PRINCIPLE OF CONSULAR
NOTIFICATION AND ACCESS REMAINS THE SAME. IN THE CASE OF MAXEY/
ROSS/WILLIAMS, LOCAL FEDERAL POLICE AUTHORITIES TOLD OUR CONSUL
THAT THE ARRESTED US CITIZENS HAD REQUESTED ACCESS AND THAT
THEY HAD FORWARDED THE REQUEST TO BRASILIA. THE REQUESTS
WERE NEVER TRANSMITTED TO THE US CONSULAR AUTHORITIES, CLEARLY
A CONTRAVENTION OF ARTICLE 36 OF THE VIENNA CONVENTION.
D. WITH RESPECT TO THE REQUEST FOR ASSURANCES THAT US
POLICE AUTHORITIES ALWAYS ACT ACCORDING TO THE VIENNA CONVENTION
IN CASES INVOLVING FOREIGNERS, WE ARE AWARE THAT THE DEPARTMENT
OF STATE WROTE STATE GOVERNMENTS PROMPTLY AND IN DETAIL ABOUT
US OBLIGATIONS UNDER THE VIENNA CONVENTION AND ASKED THEM TO
NOTIFY MUNICIPAL AUTHORITIES WITHIN THEIR JURISDICTION
(FYI: THIS IS A REFERENCE TO THE DEPARTMENTS OM 8/11/76.
WE INTEND TO LEAVE COPIES OF ITS ENCLOSURES). WE ARE UNAWARE
OF PENDING COMPLAINTS OF ANY ABUSE OF BRAZILIAN NATIONALS.
WE CAN ASSURE THE FOREIGN MINISTRY THAT ANY COMPLAINTS RECEIVED
WILL BE CAREFULLY INVESTIGATED.
E. IN DELIVERING NOTE, CHARGE WILL AGAIN URGE THE GOB TO TAKE
PROMPT AND EFFECTIVE MEASURES TO ENSURE NOTIFICATION AND
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ACCESS, INCLUDING INFORMING LOCAL AUTHORITIES SO AS TO ENSURE
EFFECTIVE OBSERVANCE OF THEIR OBLIGATIONS UNDER THE VIENNA
CONVENTION.
3. CONCURRENTLY, TO RESOLVE THE PROBLEM AT THE WORKING LEVEL
WE ARE INSTRUCTING CONSULS TO CALL UPON SECRETARIES OF PUBLIC
SECURITY IN THEIR DISTRICTS TO ENSURE THAT SECRETARIES ARE
AWARE OF OUR CONCERN ABOUT US CITIZEN DETAINEES, KNOW OF BRAZIL'S
VIENNA CONVENTION OBLIGATIONS, AND KNOW HOW AND WHERE TO GET
IN TOUCH WITH US CONSULS.
4. FOLLOWING CHARGE'S APPOINTMENT IN ITAMARATY, EMBASSY
POLITICAL COUNSELOR WILL CALL UPON SECRETARY GENERAL OF THE
MINISTRY OF JUSTICE TO EXPRESS OUR CONCERN OVER PROBLEM OF
CONSULAR ACCESS AND NOTIFICATION AND URGE THAT THE MINISTER
GIVE HIS PERSONAL ATTENTION
TO THE PROBLEM.
5. IT WOULD ALSO BE HELPFUL IF APPROPRIATE WASHINGTON VISITORS
TO BRAZIL WERE BRIEFED ON PROBLEM AND URGED DURING ANY
GENERAL DISCUSSIONS OF BILATERAL RELATIONS TO EXPRESS US
CONCERN.
6. REQUEST DEPARTMENTS REACTION TO ABOVE AND DRAFT NOT TRANSMITTED
SEPTEL SOONEST. OPTION FOR PRESENTATION AT CHARGE LEVEL, WHICH
EMBASSY CONSIDERS MOST SUITABLE AT THIS STAGE, WILL BE REMOVED

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JANUARY 10.
JOHNSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Concepts: CITIZEN PROTECTION
Control Number: n/a
Copy: SINGLE
Sent Date: 31-Dec-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
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Format: TEL
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Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1977/newtext/t1977121/aaaaaaqt.tel
Line Count: 118
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Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8ce120fb-c188-dd11-92da-001cc4696bcc
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TAGS: SHUM, PGOV, CASC, BR, US
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